

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA



CHARLES L. NAIL, JR.  
BANKRUPTCY JUDGE

FEDERAL BUILDING AND UNITED STATES POST OFFICE  
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PIERRE, SOUTH DAKOTA 57501-2463

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August 17, 2004

Forrest C. Allred  
Chapter 7 Trustee  
14 Second Avenue SE, Suite B  
Aberdeen, South Dakota 57401

Thomas M. Tobin, Esq.  
Counsel for Debtor  
Post Office Box 1456  
Aberdeen, South Dakota 57402

Subject: ***In re Douglas J. Nash, Jr. and Brandi N. Nash***  
Chapter 7, Bankr. No. 06-1001

Dear Trustee and Counsel:

I am unable, based on the present record, to vacate the turnover order entered August 16, 2006, as requested by Trustee Allred. The order was correct when entered: Debtors did not respond to the motion, the last date to object passed, and the relief sought was within the applicable law.

If Debtors believed the Trustee's turnover motion was without merit or contained another error that dictated against the relief sought, they should have either filed an objection or ensured the Trustee withdrew the motion. That did not happen.

At this stage, a better record will be made if Debtors move to have the August 16, 2006 turnover order vacated. Therein, Debtors can explain why they did not file a timely response and why they should now be accorded relief from the order.

Sincerely,

A handwritten signature in blue ink, reading "Charles L. Nail, Jr.", is positioned below the "Sincerely," text.

Charles L. Nail, Jr.  
Bankruptcy Judge

INH:sh

CC: case file (docket original; serve parties in interest)